

EXHIBIT 38

WITNESS STATEMENT

Date: May 13, 1994 Case # 9427890
 Name: RUBY GARZA LUNA DOB: _____ POB: ODESSA, TX.
 Residence: _____ Phone: _____
 Business: SELF-EMPLOYED Phone: _____
 Relative: MAGARITA VILLAGOMEZ Title: MOTHER
 Residence: SAME Phone: _____
 Employed: SAME Phone: _____
 Other: PETRA ALBORADO Title: AUNT
 Residence: _____ Phone: _____
 Employed: RETIRED Phone: _____

My name is Ruby Luna. I live at _____. I am 33 years old. I have lived in Odessa, Texas all of my life. I received my G.E.D. and 2 years of college at Odessa College. I do read, write, and understand the English Language. On the day before the Murders came out on the TV about the older couple being killed, I was driving around one of the Streets that run off of Grant or Crane. It was after 10:30 pm and before 12 midnight. I saw Perkins walking over by the Town and Country on S. Grant. I known Perkins for about a year. My son-in-law and daughter, Aishia Amanda Merie, are friends with Perkins. He limps, and he has one ^{eye} that is cross-eyed. I stopped and asked Perkins if he wanted a ride. I thought it was awful late at the time. He was acting just as ^{calm} as he always does. I took him over to a house on the corner of May with some trailers catty-corner to the house. We pulled up and there were several people standing outside. I saw Michael with his wife and baby, along with some other people at the house. I know Michael, because he is also a friend of my daughter's. Michael is called "Spider". Before we even stopped, Michael walked up to the truck and asked me to give him a ride. Before I had a chance to say no, he was already getting in the truck. He was real jumpy ... like he ^{was} speeding. He acted like he was on Coke. He was talking real fast. As soon as he got in the truck, he pulled out a silver looking gun and asked me if I wanted to buy it. This really scared me and I told him that I didn't have any money. Since he had the gun I agreed to give him a ride. He had the gun on him. I remember he had a jacket or flannel on because he reached behind him and when he did have to push aside this jacket or flannel to get to the gun. Michael then said to take me to some people's house on Jackson St. It ^{was} parked right by the apartments on Monahans, and Michael told me to wait for him and he got out of the truck and ran across the street to a house. He came right back. He wasn't over there more than five minutes. Michael came back and got in the truck. He was in a hurry. He said OK, let's go back. I said back where. He said where I had picked him up at. I then drove back to the house on the corner where I had first picked Michael up at. The people that ^{were} outside were now inside the house. Michael then asked me if I could ^{take} him and his wife a ride home. I saw that his wife had a baby, and she was coming out of the house. ^{RL}

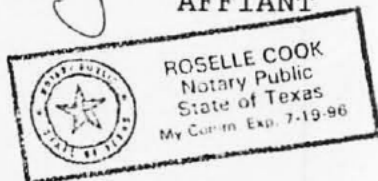
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I told him that I would give them a ride. I asked him where's home. He showed me where he lived. Michael and Perkins got in the back and Michael's wife got in the front with me. She had her baby with her. She also got in with a light colored bag and put in between her feet. She seemed nice. She was talking to me and telling me about her baby. I went down the street by the Children's House. When we got to the stop sign told me to turn to my side. I turned left. He said the green house. I drove up right in front of the green house. I turned on the light in the truck because everything was real dark. I remember that Michael's wife got the baby's bottle which was next to her. She wasn't feeding the baby, she just had the bottle next to her. She then got the bag that was between her feet. If that bag was a diaper bag, she would have put the bottle in the bag. I then remember Michael coming over and taking the bag from her and telling me thank you. Michael then went inside the house. I remember him trying to open the door, and his wife was carrying the baby. Perkins then jumped out of the back of the truck and got in front with me. We then went back to my daughter's apartment. Amanda's apartment. We went inside. We started watching the TV. I remember asking Perkin's if he wanted a ride home. He told me that he would just spend the night at my daughter's. He does that often. It was after 1 am when I left my daughters. She lived at 509 W. Lindberg #5. She's moved since. I remember talking with my daughter about how anyone could do that to that old couple. Michael looked like he did something like the murder that night. *RL*

I have read the 2 page(s) of this statement and the facts contained herein are true and correct to the best of my knowledge. This statement was started at 11:07 a.m. and was finished at 12:11 a.m. on this date, May 13, 1994. This statement was voluntarily given to DETECTIVE SERGEANT SNOW ROBERTSON - METRO HOMICIDE.

Roselle Cook
 AFFIANT



SUBSCRIBED AND SWORN TO BEFORE ME BY
 AFFIANT, THIS THE 13 th DAY OF
May, A.D. 1994.

Roselle Cook
 NOTARY PUBLIC IN AND FOR ECTOR COUNTY, TEXAS